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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JACQUELINE BENJAMIN, BRYAN
GONZALEZ, and TAIWO KOYEJO, on behalf
of themselves and classes of those similarly
situated,

Plaintiffs,

vs.

B&H EDUCATION, INC., a corporation;
RASHED ELYAS, an individual; NAGUI
ELYAS, an individual; MICHAEL FLECKER
collectively dba "MARINELLO SCHOOLS OF
BEAUTY"; and DOES 1 through 100,

Defendants.

Case No. CV 13-04993-VC

**JOINT STIPULATION TO EXTEND
PLEADINGS AMENDMENT, FACT
DISCOVERY, EXPERT DISCOVERY,
AND CROSS MOTIONS FOR
SUMMARY JUDGMENT
DEADLINES AND MODIFIED
ORDER**

1 Plaintiffs JACQUELINE BENJAMIN, BRYAN GONZALES, and TAIWO KOYEJO
2 and Defendant B&H EDUCATION, INC., by and through their undersigned counsel in the
3 above-captioned matter, hereby stipulate as follows:

4 WHEREAS, this case was initiated on October 25, 2013 when Plaintiffs filed their
5 Complaint (ECF No. 1);

6 WHEREAS, on April 17, 2014, this case was reassigned to the Honorable Vince
7 Chhabria;

8 WHEREAS, on July 10, 2014, the Court held the Case Management Conference and a
9 hearing on Defendants' Motion to Dismiss the Amended Complaint;

10 WHEREAS, on July 10, 2014, the Court entered a Case Management Scheduling Order
11 which, *inter alia*, sets the deadline for amending the pleadings as November 14, 2014, the
12 deadline for the first phase of fact discovery as December 12, 2014, the deadline for the first
13 phase of expert discovery as February 13, 2015, and the deadline for cross-motions for summary
14 judgment as March 13, 2015. (ECF No. 44);

15 WHEREAS, on August 14, 2014, the Court issued an Order inviting the California
16 Commissioner of Labor to file a letter brief setting forth her view about whether *Hutchison v.*
17 *Clark*, 67 Cal.App.2d 155 (1944) remains good law by April 17, 2015. (ECF No. 52). As the
18 schedule is currently set, the California Commissioner of Labor's letter brief would arrive after
19 the parties file their cross-motions for summary judgment on March 13, 2015;

20 WHEREAS the parties have been diligently working to meet the deadlines set in the Case
21 Management Scheduling Order; however, despite the parties' best efforts, fact discovery is not
22 complete;

23 WHEREAS the parties exchanged initial disclosures on July 17, 2014;

24 WHEREAS Plaintiffs served requests for admissions, special interrogatories, and requests
25 for production on Defendant on August 12, 2014;

26 WHEREAS Defendant served special interrogatories and requests for production on
27 Plaintiffs on August 22, 2014;

1 WHEREAS Defendant served its responses to the requests for admissions, special
2 interrogatories, and requests for production on October 3, 2014;

3 WHEREAS Plaintiffs served their responses to the special interrogatories and requests for
4 production on October 9, 2014;

5 WHEREAS Defendant served supplemental responses to the requests for admissions and
6 special interrogatories on November 14, 2014;

7 WHEREAS, to date, Defendant has produced 6,683 pages of documents in response to
8 Plaintiffs' request for production of documents;

9 WHEREAS, to date, Plaintiffs have produced 340 pages of documents in response to
10 Defendant's request for production of documents; WHEREAS, Plaintiffs served a deposition
11 notice pursuant to FRCP 30(b)(6) on August 12, 2014, for the deposition of Defendant B&H
12 Education, Inc., but the parties agreed to postpone the 30(b)(6) depositions until after the named
13 Plaintiffs were deposed. Plaintiffs took the first 30(b)(6) deposition on November 19, 2014. The
14 parties expect to conduct additional 30(b)(6) depositions and are in the process of meeting and
15 conferring regarding the depositions of further 30(b)(6) designees covering the remaining topics
16 contained in the deposition notice;

17 WHEREAS Defendant served a deposition notice on each Plaintiff on August 22, 2014.
18 On October 27 and 28, 2014, Defendant deposed two of the named Plaintiffs. On November 6,
19 2014, Defendant began the deposition of the third named Plaintiff; however, the deposition was
20 adjourned and the parties are currently working to reschedule the completion of the deposition of
21 the third named Plaintiff;

22 WHEREAS the parties are in the process of meeting and conferring regarding additional
23 production of documents, completing additional depositions, and informally resolving the
24 remaining disputes related to fact discovery;

25 WHEREAS, pursuant to Local Rule No. 6-2, the previous time modifications in this case
26 include the following: (1) stipulation to extent time for Plaintiffs to respond to Defendants'
27 motion to dismiss (ECF Nos. 18, 19), which resulted in Plaintiffs filing an amended complaint
28

1 addressing some of the issues raised in the motion; (2) stipulation to extend time for Defendants
 2 to answer the amended complaint (ECF No. 22); (3) stipulation to extend time to file Case
 3 Management Statement (ECF Nos. 23, 25); and (4) stipulation to extend the pleadings
 4 amendment deadline (ECF No. 60).

5 IT IS HEREBY STIPULATED, by and between Plaintiffs and Defendant, through their
 6 respective counsel of record, that for good cause shown and in the interest of fairness, judicial
 7 economy, and efficiency, the Case Management Order and ECF No. 60 should be modified to
 8 extend the deadline to amend the pleadings to **January 16, 2015**, to extend deadline for the first
 9 phase of fact discovery to **March 13, 2015**, to extend the deadline for the first phase of expert
 10 discovery to **May 13, 2015**, and to extend the cross motions for summary judgment deadline to
 11 **June 16, 2015**. The proposed extension will not affect any other deadline in this case. The
 12 proposed extension will allow the parties to complete the first phase of fact discovery and review
 13 any letter brief submitted by the California Commissioner of Labor prior to filing the cross-
 14 motions for summary judgment.

15 IT IS SO STIPULATED.

17 DATED: December 3, 2014

/s/ Chaya M. Mandelbaum

David A. Lowe
 Chaya M. Mandelbaum
 Michelle G. Lee
 Counsel for Plaintiffs

21 DATED: December 3, 2014

/s/ Julie A. Vogelzang

Keith Zakarin
 Julie A. Vogelzang
 Courtney L. Baird
 Counsel for Defendant

ECF ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the other signatories thereto.

Executed this 3rd day of December, 2014, at San Francisco, California.

/s/ Chaya M. Mandelbaum
CHAYA M. MANDELBAUM

ORDER AS MODIFIED

The Court having considered the Joint Stipulation to Extend Pleadings Amendment, Fact Discovery, and Cross Motions for Summary Judgment deadlines, ORDERS as follows:

The deadline to amend the pleadings is hereby extended to January 16, 2015, the deadline to complete first phase fact discovery is hereby extended to March 13, 2015, the deadline to complete the first phase of expert discovery is hereby extended to May 13, 2015, and the deadline to file cross motions for summary judgment is hereby extended to June 16, 2015.

If the Labor Commissioner intends to file a brief, this scheduling change obviates the need for her to do so by April 17, 2015. If she intends to file a brief, the Court requests that she do so on or around the time the opening briefs are filed. The Court does not intend to grant the parties any further extensions in this case.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _December 4, 2014_



Judge Vince Chhabria
United States District Court